

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
ENERGY FUTURE HOLDINGS, et al.,	:	Bankruptcy Case No. 14-10979 (CSS)
	:	
Debtors.	:	
	:	
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NEXTERA ENERGY, INC.,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 18-1769-RGA
	:	
ELLIOTT ASSOCIATES, L.P., et al.,	:	BAP 18-00051
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **20th** day of **December, 2018**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The parties have engaged in informal discussions regarding the issues to this appeal, but have not reached a consensual resolution. The parties request that the

following briefing schedule be entered:

Appellant's Opening Brief	42 days from the date this Court enters an order approving a briefing schedule in this appeal
Appellees' Opening Brief	42 day after service of Appellant's opening brief
Appellant's Reply Brief	21 days after service of Appellees' Opening Brief

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections are anticipated to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 because the Recommendation is consistent with the parties' request.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng